United Nations CRC/C/GMB/CO/2-3

Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the combined second and third periodic reports of the Gambia*

I. Introduction

1. The Committee considered the combined second and third periodic reports of the Gambia (CRC/C/GMB/2–3) at its 1941st and 1943rd meetings (see CRC/C/SR.1941 and 1943), held on 15 January 2015, and adopted the following concluding observations, at its 1983rd meeting, held on 30 January 2015.

2. The Committee welcomes the submission of the combined second and third periodic reports of the State party (CRC/C/GMB/2–3) and the written replies to the list of issues (CRC/C/GMB/Q/2–3/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses its appreciation for the constructive dialogue held with the multisectoral delegation of the State party.

II. Follow-up measures undertaken and progress achieved by the State party

3. The Committee notes with appreciation the ratification of:

(a) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in April 2010;

(b) 2003 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, in May 2005.

4. The Committee welcomes the adoption of the following legislative measures:

(a) Domestic Violence Act 2013;

(b) Sexual Offences Act 2013;

(c) Women's Act 2010;

(d) Legal Aid Act 2008;

* Adopted by the Committee at its sixty-eighth session (12–30 January 2015).

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(e) Trafficking in Persons Act 2007;

(f) Children's Act 2005.

5. The Committee also welcomes the following institutional and policy measures:

(a) Maternal and Child Nutrition and Health Results Project 2014–2018;

(b) National Plan of Action for Accelerated Abandonment of Female Genital Mutilation 2013–2017;

(c) National Nutrition Policy (2010–2020) and the establishment of the National Nutrition Agency;

(d) National Gender and Women Empowerment Policy 2010–2020;

(e) Special Needs Education and Inclusive Policy Framework 2009–2015;

(f) National Early Childhood Development Policy Framework 2009–2015.

III. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)

The Committee's previous recommendations

6. **The Committee recommends that the State party take all necessary measures to address its previous recommendations (CRC/C/15/Add.165) that have not been implemented or not sufficiently implemented.**

Legislation

7. The Committee welcomes the adoption of the Children's Act 2005. However, it is concerned that this Act fails to cover all areas under the Convention, including issues relating to child marriage, female genital mutilation and child labour, and that it has not been effectively enforced and has not been sufficiently disseminated.

8. **The Committee recommends that the State party amend the Children's Act 2005 to:**

(a) Ensure that it covers all areas of the Convention, including issues relating to child marriages, female genital mutilation and child labour;

(b) Ensure the effective enforcement of the Children's Act, including by providing adequate human, financial and administrative capacity for its implementation and establishing a monitoring mechanism;

(c) Strengthen the dissemination of the Children's Act among law enforcement agencies, religious and community leaders, local government authorities and the general public.

Comprehensive policy and strategy

9. While noting the adoption of the National Social Protection Policy 2015–2025 and the development of a national child protection strategy, the Committee notes with concern the delay in adopting the latter.

10. **The Committee encourages the State party to accelerate the development and adoption of the national child protection strategy. The Committee also recommends**

that the State party develop, on the basis of this strategy and in partnership with civil society organizations, appropriate plans for its implementation, and that it allocate sufficient human, technical and financial resources to this end.

Coordination

11. While welcoming the 2010 presidential pronouncement on the establishment of the Ministry of Children's Affairs, the Committee is concerned that:

(a) This Ministry is not yet operational;

(b) The existing government institutions for the promotion and protection of the rights of the child, such as the Department of Social Welfare and the Ministry of Justice, lack the necessary human, technical and financial resources, and that the "sectoralization" of children's issues and the overlapping mandates of the different institutions in these areas are major problems;

(c) There is a lack of effective coordination of the implementation of the Convention at the national and local levels.

12. **The Committee recommends that the State party:**

(a) Render operational the Ministry of Children's Affairs and provide it with a clear mandate and sufficient authority to coordinate all activities relating to the implementation of the Convention at cross-sectoral, national, regional and local levels;

(b) Ensure that the existing institutions for the protection and promotion of the rights of the child, including the Department of Social Welfare and the Ministry of Justice, as well as the future Ministry of Children's Affairs, are provided with the necessary human, technical and financial resources for their effective operation;

(c) Ensure effective coordination of the implementation of the Convention.

Allocation of resources

13. The Committee notes as positive the increase in the government budget allocated to education between 2006 and 2014. It is, however, concerned that the percentage of the budget allocated to health and social welfare remains low. The Committee is also concerned about the lack of effective implementation of the legal provisions criminalizing corruption, in particular in the public sector.

14. **In the light of its day of general discussion in 2007 on "Resources for the rights of the child — responsibility of States" and with emphasis on articles 2, 3, 4 and 6 of the Convention, the Committee recommends that the State party:**

(a) Increase substantially the allocations in the areas of health and social welfare to adequate levels;

(b) Utilize a child-rights approach in the elaboration of the State budget, by implementing a tracking system for the allocation and use of resources for children throughout the budget. The State party should also use this tracking system for impact assessments on how investments in any sector may serve "the best interests of the child", ensuring that the different impact of such investment on girls and boys is measured;

(c) Take immediate measures to combat corruption and strengthen institutional capacities to detect, investigate and prosecute corruption effectively.

Data collection

15. The Committee is concerned about the absence of a comprehensive system for disaggregated data collection and analysis on all children under the age of 18. The Committee is particularly concerned about the lack of data on child labour, as well as on child trafficking, child mortality, sexual abuse and exploitation of children, and domestic violence against children. It is also concerned that data are not sufficiently shared with the public.

16. **In the light of its general comment No. 5 (2003) on general measures of implementation of the Convention on the Rights of the Child, the Committee reiterates its recommendation that the State party set up a comprehensive data collection system with the support of its partners (CRC/C/15/Add.165, para. 16). The data should cover all areas of the Convention, including child labour, child trafficking, child mortality, sexual abuse and exploitation of children, and domestic violence against children, and should be disaggregated by, inter alia, age, sex, disability, geographic location, ethnic origin and socioeconomic background in order to facilitate analysis of the situation of all children, particularly those in situations of vulnerability. Furthermore, the Committee recommends that the data and indicators be shared among the ministries concerned and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention. In this context, the Committee also recommends that the State party strengthen its technical cooperation with, among others, the United Nations Children's Fund (UNICEF), regional mechanisms and non-governmental organizations (NGOs).**

Independent monitoring

17. The Committee is concerned about the absence of an independent institution for monitoring children's rights.

18. **In the light of its general comment No. 2 (2002) on the role of independent national human rights institutions, the Committee recommends that the State party take measures to establish an independent institution for monitoring human rights, including a specific mechanism for monitoring children's rights that is able to receive, investigate and address complaints by children in a child-sensitive manner. Furthermore, the Committee recommends that the State party ensure the independence of such a monitoring mechanism, including with regard to its funding, mandate and immunities, so as to ensure full compliance with the Paris Principles. To that end, the Committee recommends that the State party seek technical cooperation from, among others, the Office of the United Nations High Commissioner for Human Rights (OHCHR), UNICEF and the United Nations Development Programme (UNDP).**

Dissemination and awareness-raising

19. The Committee expresses its concern that knowledge of children's rights remains limited, including among children, families and the public at large, in particular in rural areas, owing mainly to the high level of illiteracy in the State party and the lack of systematic dissemination of the Convention.

20. **The Committee urges the State party to take more active measures to systematically disseminate and promote the Convention, taking into account the high level of illiteracy, through oral, written or artistic awareness-raising programmes, including campaigns, across the State party, in particular in rural areas.**

Training

21. The Committee is concerned that children's rights have not been institutionalized in the initial pre-service training of many professionals working with children, such as judges, lawyers, law enforcement officials, teachers, school administrators, health workers including psychologists, social workers, personnel working in all forms of alternative care, and traditional or community leaders.

22. **The Committee recommends that the State party strengthen its efforts to ensure that professionals working with or for children are adequately and systematically trained on children's rights, in particular judges, lawyers, law enforcement officials, teachers, school administrators, health workers including psychologists, social workers, personnel working in all forms of alternative care, and traditional or community leaders.**

Cooperation with civil society

23. The Committee is concerned about reports indicating that activities of NGOs and civil society are closely monitored by the NGO Affairs Agency placed under the authority of the Office of the President, which results in many organizations exercising self-censorship.

24. **The Committee urges the State party to respect the independence of NGOs. It also recommends that the State party take concrete steps to facilitate the work of human rights defenders to ensure that NGOs can safely carry out their functions in a manner consistent with the principles of a democratic society.**

Children's rights and the business sector

25. The Committee welcomes the measures taken by the State party to protect children from violations of their rights arising from tourism activities, including the adoption of the Tourism Offences Act 2003; the establishment of community child protection committees across the country and of adolescent neighbourhood watch groups in communities around the Tourism Development Area; the development of a manual for training on and the eradication of child labour and sexual exploitation in the tourism industry; and the introduction of the Tourism Code of Conduct to hotels, motels and restaurants within the Area. However, the Committee is concerned about the persistent violations of children's rights arising from tourism activities.

26. **The Committee recommends that the State party:**

(a) Examine and adapt its legislative framework (civil, criminal and administrative) to ensure the legal accountability of business enterprises and their subsidiaries operating in the State party's territory, especially in the tourism industry;

(b) Establish monitoring mechanisms for the investigation and redress of children's rights violations, with a view to improving accountability and transparency;

(c) Strengthen its awareness-raising programmes, including campaigns, in the tourism industry and among the public at large on the prevention of child sex tourism, and widely disseminate the Charter of Honour for Tourism and the World Tourism Organization Global Code of Ethics for Tourism among travel agents and in the tourism industry;

(d) Strengthen its international cooperation against child sex tourism through multilateral, regional and bilateral arrangements for its prevention and elimination.

B. Definition of the child (art. 1 of the Convention)

27. The Committee welcomes the adoption of the provisions of the Children's Act 2005, which defines a child as any person below the age of 18 years. However, it is concerned that customary and "personal laws" permit child marriages before the age of 18 and that the Act fails to cover issues relating to marriage, divorce and inheritance that result in a large number of children being married before the age of 18.

28. **In the light of the State party's obligations under the Convention and the African Charter on the Rights and Welfare of the Child, the Committee recommends that the State party:**

(a) Harmonize legislation to ensure that child marriage is not permitted before the age of 18. In this regard, the Committee invites the State party to take measures, including awareness-raising activities among traditional and religious leaders and their communities, to ensure that domestic laws and customary law, as well as relevant aspects of the sharia, are interpreted and applied in ways compatible with the provisions of the Convention;

(b) Seek effective measures to prevent and combat the practice of child marriage, such as awareness-raising and information programmes, including campaigns, on the harm and dangers resulting from child marriage;

(c) Put in place effective monitoring systems to assess progress towards the eradication of child marriage.

C. General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

29. The Committee welcomes the adoption of the Women's Act 2010 and the development of the National Gender and Women Empowerment Policy 2010–2020. However, it remains concerned about:

(a) The persistent application of legal and societal discrimination against girls, including the discriminatory provisions contained in the "personal law", such as those relating to the inheritance rights of girls;

(b) Discrimination against children born out of wedlock, who cannot inherit from the estate of their fathers as the "personal law" does not recognize their inheritance rights;

(c) Discrimination faced in society by children with disabilities, and their limited and inadequate access to premises and facilities, including schools;

(d) The persistent de facto discrimination faced by children living in poverty, working children, children in street situations, children living in rural areas and refugee children;

(e) The provisions of the 2014 Criminal Code according to which the new crime of "aggravated homosexuality" carries punishments of up to life in prison, which encourages the persecution and stigmatization of, and discrimination against, lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, including children, and children from LGBTI families.

30. **The Committee urges the State party to:**

(a) Ensure that no legal provisions that discriminate against girls and women are applied, in particular those relating to inheritance;

(b) Ensure that children born out of wedlock can inherit from the estate of their fathers;

(c) Invite local, religious and other leaders to take a more active role in supporting efforts to prevent and eliminate discrimination against the girl child, and to provide guidance to communities in that regard;

(d) Take all necessary measures to ensure equal access of children with disabilities to all public services, in particular health care and education;

(e) Ensure that children who belong to LGBTI groups and children from LGBTI families are not subjected to any form of discrimination, and repeal the legal provisions criminalizing homosexuality;

(f) Address as a matter of priority the situation of children in the most marginalized or disadvantaged situations, and especially the various types of discrimination suffered by children born out of wedlock, children living in poverty, working children, children in street situations, children living in rural areas and refugee children;

(g) Include information in its next periodic report on measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party in follow-up to the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, as well as the outcome document adopted at the 2009 Durban Review Conference.

Best interests of the child

31. While welcoming the reference to the "welfare principle" in the Children's Act 2005, the Committee is concerned that State institutions such as the Children's Court, the Department of Social Welfare and the Police Child Welfare Unit do not properly differentiate between the "welfare" and the "best interests of the child" principles and fail to use the latter systematically. The Committee is also concerned about the lack of explicit reference in the legislation to the right of the child to have his or her best interests taken as a primary consideration. It is further concerned that the concept of the best interests of the child is not sufficiently understood and consistently applied by the Children's Court, the Cadi courts, the community child protection committees, the police and social workers.

32. **In the light of its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party strengthen its efforts to ensure that this right is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings and decisions, as well as in all policies, programmes and projects that are relevant to, and have an impact on, children. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance and training to all relevant persons in authority for determining the best interests of the child in every area and for giving them due weight as a primary consideration.**

Respect for the views of the child

33. The Committee is concerned about the limited respect for the views of the child in the community and the family, and the lack of information on whether the views of the child are constantly respected in the Children's Court, the Cadi courts and the community child protection committees.

34. **In the light of its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party take measures to strengthen**

this right in accordance with article 12 of the Convention. To that end, it recommends that the State party conduct programmes and awareness-raising activities to promote the meaningful and empowered participation of all children in the family, the community, including the traditional community, schools, and the care and judicial systems, including the Children's Court, the Cadi courts and the community child protection committees, with particular attention to girls and children in vulnerable situations. The Committee also encourages the State party to consider establishing a children's parliament.

D. Civil rights and freedoms (arts. 7, 8, and 13–17)

Birth registration/name and nationality

35. While welcoming the progress made in birth registration, the Committee remains concerned about:

(a) The huge number of children who are not immediately registered at birth and the lack of awareness among parents, especially in remote areas, of the importance of birth registration;

(b) The complicated procedure for children above 5 years of age to be registered;

(c) Obstacles to birth registration of children born out of wedlock, mostly due to the stigmatization faced by single mothers;

(d) The reported lack of provision of identification documents to child refugees born in the Gambia or arriving as minors, which puts them at particular risk of statelessness.

36. **The Committee recommends that the State party:**

(a) Take all necessary measures to ensure complete and immediate birth registration of all children and allocate resources accordingly;

(b) Launch extensive awareness-raising programmes, including campaigns, on the importance of birth registration, on the benefits thereof and on the registration process;

(c) Ensure that all children, including children born out of wedlock, are properly registered at birth, including by raising awareness among the population to eliminate the stigmatization faced by children born out of wedlock and their mothers;

(d) Provide identification documents to child refugees born in the Gambia or arriving as minors, to avoid the risk of statelessness;

(e) Seek technical assistance from the Office of the United Nations High Commissioner for Refugees (UNHCR) and UNICEF, among others, for the implementation of these recommendations.

Freedom of expression

37. The Committee welcomes the fact that the Children's Act guarantees children's right to freedom of expression. However, it is concerned about the limited efforts made to provide opportunities for children to express themselves.

38. **The Committee recommends that the State party provide opportunities and platforms for children to express themselves, especially on issues affecting them.**

Access to appropriate information

39. The Committee notes the delegation's statement on the efforts made by the State party to monitor the information provided to children in Internet cafes and the efforts made by both the Gambia Radio and Television Services and other private print and electronic media to provide children with appropriate information. However, the Committee remains concerned about:

(a) Reports indicating the persisting lack of monitoring of the information accessible to children in Internet cafes and video showrooms, and the absence of guidelines to regulate information accessible to children in those places;

(b) The very limited number of libraries, especially in rural areas;

(c) The airing at prime time of television programmes that are inappropriate for children.

40. **The Committee recommends that the State party:**

(a) Ensure the effective monitoring of the information accessible to children in Internet cafes and video showrooms, develop guidelines to regulate information accessible to children in those places, and conduct awareness-raising in cooperation with the cafes and showrooms in that regard;

(b) Increase the number of libraries, in particular in rural areas;

(c) Ensure that television programmes that are inappropriate for children are not aired at prime time.

E. Violence against children (arts. 19, 24, para. 3, 28, para. 2, 34, 37 (a) and 39)

Corporal punishment

41. The Committee welcomes the prohibition of corporal punishment in the child justice system and the provisions of the Children's Act declaring that those with parental authority must ensure that discipline respects the dignity of the child. The Committee also notes the actions taken by the State party to discourage corporal punishment in school and in the community. However, the Committee remains concerned about:

(a) The absence of legislation explicitly prohibiting corporal punishment in the home, in school and in alternative care settings;

(b) The existence of provisions in the common law allowing parents, guardians and others in loco parentis to "reasonably chastise" their child;

(c) Frequent incidents of corporal punishment, including severe physical punishment, suffered by children, especially in the home.

42. **With reference to its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (CRC/C/GC/8), the Committee recommends that the State party:**

(a) Repeal all provisions that authorize corporal punishment, including the provisions of the Children's Act concerning the right of parents, guardians and others in loco parentis to "reasonably chastise" their child, and explicitly prohibit corporal punishment of children in all settings, including within the family, in schools and other institutions and in childcare settings;

(b) Strengthen public education, awareness-raising and social mobilization programmes, involving children, families, communities and religious leaders, on the harmful effects, both physical and psychological, of corporal punishment, with a view to changing the general attitude towards this practice, and promote positive, non-violent and participatory forms of child-rearing and discipline as an alternative to corporal punishment in the family, schools, alternative care and penal institutions;

(c) Ensure the involvement and participation of the whole society, including children, in the design and implementation of preventive strategies with regard to the corporal punishment of children.

Sexual abuse and exploitation

43. The Committee welcomes the adoption by the State party of the Sexual Offences Act 2013. The Committee also notes with appreciation the existence of a child helpline, a shelter for child victims of sexual abuse, and community sensitization programmes on sexual abuse and sexual exploitation of children. However, the Committee is concerned about reports of the lack of adequate budget, administrative structures and political commitment for the effective implementation of the existing legislation. It is further concerned about the lack of information received on the type and quality of services provided by the shelter and on the effectiveness of the awareness-raising programmes to combat sexual exploitation of children.

44. **The Committee recommends that the State party:**

(a) Establish mechanisms, procedures and guidelines to ensure mandatory reporting of cases of sexual abuse and exploitation of children;

(b) Ensure that legislation relating to the sexual abuse and exploitation of children is effectively enforced, and that perpetrators of such crimes are brought to justice and punished with sanctions proportionate to their crimes;

(c) Strengthen its actions to respond to the health, legal and psychosocial needs of child victims of sexual exploitation and violence, among other things providing them with shelters;

(d) Strengthen awareness-raising activities to combat sexual exploitation of children; conduct awareness-raising activities to combat the stigmatization of victims of sexual exploitation and abuse, including incest; and ensure accessible, confidential, child-friendly and effective reporting channels for such violations;

(e) Ensure the development of programmes and policies for the prevention, recovery and social reintegration of child victims, in accordance with the outcome documents adopted at the World Congresses against Commercial Sexual Exploitation of Children;

(f) Strengthen coordination between all actors of the protection system and allocate sufficient human, technical and financial resources to that end.

Harmful practices

45. The Committee welcomes the State party's awareness-raising activities to combat the practice of female genital mutilation, and the existence of provisions in the Children's Act 2005 that no child shall be subjected to customs and practices that are prejudicial to the health and life of the child. It also notes the delegation's statement that the National Plan of Action for Accelerated Abandonment of Female Genital Mutilation 2013–2017 has been finalized and is being implemented. However, the Committee is deeply concerned about the

high prevalence of female genital mutilation that still exists in the country, as well as the absence in the legislation of explicit criminalization of the practice.

46. **In the light of the joint general recommendation/general comment No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices, the Committee urges the State party:**

(a) To adopt legal provisions fully criminalizing the practice of female genital mutilation;

(b) To ensure the effective implementation of the National Plan of Action for Accelerated Abandonment of Female Genital Mutilation 2013–2017;

(c) To provide physical and psychological recovery programmes for victims of female genital mutilation, and establish reporting and complaints mechanisms accessible to girls who have been victims, or fear becoming victims, of the practice;

(d) To strengthen efforts to raise the awareness of women, men and children, government officials, extended families, chiefs and other traditional, religious and community leaders of the harmful impact of female genital mutilation on the psychological and physical health and welfare of the girl child, and of the need to prevent it, while promoting positive cultural practices in childhood; and, in particular, to support and empower the media and NGOs working on combating female genital mutilation and ensure free access of NGOs to the media; (e) Take measures to help practitioners of female genital mutilation find alternative sources of income.

Freedom of the child from all forms of violence

47. The Committee welcomes the adoption of the Domestic Violence Act 2013. However, it is concerned about the lack of information received on whether there are adequate budget, administrative structures and commitment for its implementation. The Committee is also concerned that the State party has not undertaken a study on domestic violence.

48. **Recalling the recommendations of the 2006 United Nations study on violence against children (A/61/299), the Committee recommends that the State party prioritize the elimination of all forms of violence against children. The Committee also recommends that the State party take into account general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and in particular:**

(a) Ensure the effective enforcement of the Domestic Violence Act 2013, including by providing adequate budget and administrative structures as well as trained professional and policy decision makers for its implementation;

(b) Undertake a study on domestic violence and develop a comprehensive national strategy to prevent and address all forms of violence against children which will help to change attitudes and improve the prevention and treatment of cases of violence against children;

(c) Pay particular attention to and address the gender dimension of violence against children;

(d) Cooperate with the Special Representative of the Secretary-General on Violence against Children and other relevant United Nations institutions.

Helplines

49. While welcoming the existence of a child helpline for the reporting of sexual abuse of children, the Committee is concerned that that phone number is often not working, the quality and effectiveness of the service are poor, not all network providers are making it free, and the general public, especially children, are not aware of the helpline.

50. **The Committee recommends that the State party provide the child helpline with adequate financial, human and technical resources, including trained staff, in order to ensure the provision of a 24-hour high-quality child protection service throughout the State party. The Committee also recommends that the State party promote awareness of the existence of the helpline and engage with network providers to make it free.**

F. Family environment and alternative care (arts. 5, 9, 10, 11, 18, paras. 1 and 2, 20, 21, 25 and 27, para. 4)

Family environment

51. The Committee is concerned about the challenges, including poverty, faced by parents to provide a stable, warm and nurturing environment for children. The Committee is also concerned that polygamy is still legal and widespread, a situation which is contrary to the dignity of women and girls entering such marriages and which negatively affects the children of such marriages. The Committee is further concerned about the concurrent jurisdiction of the Children's Court and the Cadi courts in the fields of maintenance, custody and inheritance, the Cadi court tending to discriminate against women, in particular as regards custody issues, maintenance and the need to provide the identity of the father, which ultimately has a negative impact on the children.

52. **The Committee recommends that the State party:**

(a) Identify and elaborate strategies for providing parent education, strengthening parenting capacities and improving the overall climate of child-rearing, and establish social protection systems to support poor families in their child-rearing and nurturing efforts;

(b) Repeal legal provisions, such as provisions authorizing polygamy, that discriminate against women and ultimately have a negative impact on their children;

(c) Review the law to remove the confusion created by the concurrent jurisdiction of the Cadi courts and the Children's Court and to ensure that the Children's Act covers the fields of maintenance, custody and inheritance;

(d) Ratify the Convention on the Recognition and Enforcement of Decisions relating to Maintenance Obligations, the Convention on the Law Applicable to Maintenance Obligations, and the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children.

Children deprived of a family environment

53. The Committee is concerned about:

(a) The increase in the abandonment of babies, partly due to the lack of family and parenting support programmes, the limited programmes on reproductive health education, and the criminalization of abortion;

(b) The insufficient financial and human resources allocated to alternative care and to the Department of Social Welfare;

(c) The insufficient number of trained social and welfare workers;

(d) The absence of an independent complaint mechanism for children in alternative care;

(e) Inadequate review of the placement of children in institutions.

54. **The Committee recommends that the State party:**

(a) Strengthen the family and parenting support programmes and the programmes on reproductive health education, and review its legislation concerning abortion, in order to prevent the abandonment and neglect of babies;

(b) Ensure that adequate human, technical and financial resources are allocated to alternative care centres and the Department of Social Welfare, in order to facilitate the rehabilitation and social reintegration of children resident in the centres to the greatest extent possible;

(c) Ensure that trained professionals are employed in alternative care centres;

(d) Establish independent complaint and monitoring mechanisms for alternative care institutions;

(e) Ensure periodic review of the placement of children in foster care and institutions, and monitor the quality of care therein, including by providing accessible channels for reporting, monitoring and remedying maltreatment of children;

(f) Provide adequate safeguards and clear criteria, based on the needs and the best interests of the child, for determining whether a child should be placed in alternative care;

(g) Take into account the Guidelines for the Alternative Care of Children annexed to General Assembly resolution 64/142 of 18 December 2009.

Adoption

55. The Committee notes with appreciation the provisions of the Children's Act 2005 describing the framework for the regulation of domestic and international adoptions. However, it is concerned about the prevalence of informal adoptions (called "kinship foster care") within the extended family, which are not properly assessed and monitored and are at risk of being in conflict with the best interests of the child.

56. **The Committee recommends that the State party take the necessary action to regulate the practice of informal adoption within the extended family, encourage formal domestic adoptions, and set up an effective mechanism to assess and monitor adoption, in order to ensure that the principle of the best interests of the child is always taken into consideration.**

57. **The Committee reiterates its previous recommendation that the State party ratify the 1993 Hague Convention No. 33 on Protection of Children and Co-operation in respect of Intercountry Adoption.**

G. Disability, basic health and welfare (arts. 6, 18, para. 3, 23, 24, 26, 27, paras. 1–3, and 33)

Children with disabilities

58. The Committee welcomes the adoption of the Special Needs Education and Inclusive Policy Framework 2009–2015 and the large number of measures taken by the State party for the rights of children with disabilities. However, the Committee remains concerned about:

(a) The high level of discrimination against, and stigmatization of, children with disabilities;

(b) The lack of adequate financial and human resources allocated to the Special Needs Education Unit;

(c) The lack of full implementation of the Special Needs Education and Inclusive Policy Framework;

(d) The lack of adequately prepared and equipped schools to receive children with disabilities, in particular in rural areas;

(e) The inadequate provision of infrastructure and personnel for access of children with disabilities to health care.

59. **Recalling its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability and specifically recommends that the State party:**

(a) Strengthen awareness-raising programmes, including campaigns, for the community at large, aimed at combating the high level of discrimination against, and stigmatization of, children with disabilities;

(b) Increase the human and financial resources of the Special Needs Education Unit with a view to achieving inclusive education as far as possible for all children concerned and to eliminating all barriers that lead to educational disparities for children with disabilities;

(c) Ensure the effective implementation of the recommendations of the Special Needs Education and Inclusive Policy Framework 2009-2015 and the National Disability Study Report 2013;

(d) Improve health-care services for persons with disabilities by ensuring that the necessary professional and financial resources as well as adequate infrastructure are available;

(e) Further encourage the inclusion of children with disabilities in society and in the mainstream educational system, including by making schools more accessible;

(f) Expedite the adoption of the Integrated National Disability Policy and the ratification of the Convention on the Rights of Persons with Disabilities.

Health and health services

60. The Committee welcomes the measures taken by the State party to improve the provision of high-quality health services, to reduce neonatal and under-5 mortality rates, and to combat diseases and malnutrition, including the Maternal and Child Nutrition and Health Results Project 2014–2018. However, it is concerned that budgetary allocations to

the health sector remain greatly insufficient to address the health problems of children. It is particularly concerned about:

(a) The still high levels of maternal, neonatal and under-5 mortality and child malnutrition, and limited prenatal care;

(b) The shortage of qualified health personnel;

(c) Instances of shortage of medication, including rapid diagnostic tests and malaria, pneumonia and diarrhoeal rehydration drugs;

(d) The lack of full access to sanitation and safe drinking water;

(e) The lack of effective implementation of the Food Act to regulate the importation and utilization of micronutrients such as vitamin A, and the consumption of iodized salt;

(f) The absence of a comprehensive strategy on health, including environmental, water and sanitation issues.

61. **The Committee draws the State party's attention to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and recommends that the State party:**

(a) Ensure that sufficient resources are allocated to the health sector and are used effectively; and develop and implement comprehensive policies and programmes for improving the health situation of children and facilitating greater and equal access to high-quality primary health services for mothers and children in all areas of the country;

(b) Take all effective measures to increase the number of trained medical and other health personnel, including traditional healers, and facilitate cooperation between trained medical personnel and traditional healers, especially midwives;

(c) Improve access to maternal care services by improving health infrastructure and increasing the availability and accessibility of emergency obstetric and neonatal care and skilled birth attendants at lower- and district-level health facilities;

(d) Strengthen efforts to address malnutrition and diseases of children, including by strengthening educational programmes, campaigns to inform parents about basic child health and nutrition, hygiene and environmental sanitation and reproductive health, and by providing sufficient drugs, including rapid diagnostic tests and malaria, pneumonia and diarrhoeal rehydration drugs;

(e) Strengthen its efforts to increase access to safe drinking water and sanitation;

(f) Ensure the effective implementation of the Food Act to regulate the importation and utilization of micronutrients such as vitamin A and the consumption of iodized salt;

(g) Develop a comprehensive strategy on health, including environmental, water and sanitation issues;

(h) Implement and apply the OHCHR technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age (A/HRC/27/31);

(i) Seek financial and technical assistance from UNICEF and the World Health Organization (WHO), among others, in this regard.

Adolescent health

62. While welcoming the development of the National HIV/AIDS Strategic Plan 2015-2019, the Committee is concerned about:

(a) The lack of integration into school curricula of reproductive health education, the lack of sufficient youth centres which provide youth-friendly reproductive information and services, and the low knowledge of HIV transmission and prevention among the population;

(b) The legal provisions considering abortion as an offence except to save the life of a pregnant woman, which result in the likelihood of pregnant girls and women who are affected by HIV/AIDS seeking risky illegal abortions.

63. **In the light of its general comment No. 4 (2003) on adolescent health and development in the context of the Convention and general comment No. 3 (2003) on HIV/AIDS and the rights of the child, the Committee recommends that the State party:**

(a) Strengthen reproductive health education by, inter alia, making it part of school curricula, and improve knowledge and availability of relevant services with a view to preventing HIV/AIDS and other sexually transmitted infections and reducing teenage pregnancies; to that end, the Committee recommends that the State party seek technical assistance from, inter alia, the Joint United Nations Programme on HIV/AIDS (UNAIDS) and UNICEF; (b) Decriminalize abortion, ensure that the best interests of pregnant teenagers are guaranteed, and ensure by law and in practice that the views of the pregnant child are always heard and given due consideration in abortion decisions.

Breastfeeding

64. While welcoming the existence of the National Nutrition Policy (2010–2020), the Committee is concerned that:

(a) Breastfeeding rates are very low and exclusive breastfeeding is interrupted too early;

(b) There is no national breastfeeding committee or coordinator;

(c) There is no information on the implementation of the capacity-building of health-care providers;

(d) Maternity leave is not provided to all working mothers, and domestic workers, in particular, are excluded from taking it.

65. **The Committee recommends that the State party ensure the effective implementation of the National Nutrition Policy (2010-2020), strengthen its awareness-raising efforts regarding the importance of breastfeeding and promote the exclusive breastfeeding of children up to the age of six months. The Committee also recommends that the State party establish a national breastfeeding committee, systematically collect data on breastfeeding practices, ensure the enforcement of the International Code of Marketing of Breast-milk Substitutes, include breastfeeding in the training of nurses, and provide maternity leave to all working mothers, including domestic workers.**

Standard of living

66. While welcoming the establishment of the National Social Protection Steering Committee in 2012 and the development of a social protection policy, the Committee is concerned that 48 per cent of the population are living below the poverty line.

67. **The Committee recommends that the State party expedite the adoption and launching of the Social Protection Policy and ensure its effective implementation. It also recommends that the State party consider holding targeted consultations with families, children and children's rights civil society organizations on the issue of child poverty.**

H. Education, leisure and cultural activities (arts. 28, 29, 30 and 31)

Education, including vocational training and guidance

68. The Committee welcomes the improvement of school infrastructure and of the enrolment and attendance rates in school, as well as the efforts made towards the achievement of free primary education. It also welcomes the existence of the School Improvement Grant, the Scholarship Trust Fund for Girls, the Empowerment for Girls' Education Programme and the Re-entry of School Dropouts Scheme. However, it remains concerned about:

(a) The low quality of education and the disparities between urban and rural areas in this regard;

(b) The insufficient number of well-trained teaching staff;

(c) High school dropout of girls in remote areas due to child marriages.

69. **In the light of its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party:**

(a) Strengthen its focus on improving the accessibility and quality of education, and provide high-quality training for teachers;

(b) Strengthen its efforts to reduce disparities between urban and rural areas in access to and full enjoyment of the right to education;

(c) Continue its efforts to eliminate all types of hidden educational costs in the school system in order to ensure unhindered and equal access to education for all children;

(d) Strengthen its focus on the retention of children, and in particular girls, in school and ensure the effective implementation of section 28 of the Women's Act 2010, which prohibits the withdrawal of girls from school for the purpose of marriage.

Early childhood development

70. While welcoming the adoption of the National Early Childhood Development Policy Framework 2009–2015, the Committee remains concerned about the low attendance rate and availability of early childhood education in the State party, and the disparities between urban and rural areas in this regard.

71. **Referring to its general comment No. 7 (2005) on implementing child rights in early childhood, the Committee recommends that the State party promote, develop and ensure access to early childhood development and education, and improve its coverage, in particular in rural areas.**

Rest, leisure, recreation and cultural and artistic activities

72. The Committee is concerned about the lack of sufficient information on the effective implementation of the right to leisure, recreational and cultural activities.

73. **Referring to its general comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, the Committee recommends that the State party ensure the right of children to enjoy adequate leisure, recreational and cultural activities, in compliance with article 31 of the Convention, including by raising the awareness of teachers and social workers on these rights and by ensuring that schools provide sport, leisure and cultural activities to children.**

I. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d), 38, 39 and 40)

Asylum-seeking and refugee children

74. While welcoming the progress made in providing birth registration to children in the State party, the Committee is concerned about reports indicating the lack of provision of identification documents to refugee children born in the State party or arriving as minors, which puts them at particular risk of statelessness.

75. **The Committee recommends that the State party ensure the provision of adequate protection measures for child refugees born in the State party or arriving as minors, including by providing them with identification documents to avoid the risk of statelessness, and with equitable access to free primary education, secondary education, and health and social services at the community level.**

Economic exploitation, including child labour

76. The Committee notes the provisions, included in the Children's Act 2005 and the Labour Act 2007, establishing 16 as the minimum age for light work and prohibiting the worst forms of child labour, and notes with appreciation the legal provisions prohibiting exploitative labour or hazardous employment of children under the age of 18. However, the Committee is concerned about:

(a) Numerous cases of child labour, especially on family farms, in family-owned businesses and in the informal sector; cases of children undertaking petty trading or long hours of domestic work at home; cases of almudos receiving inadequate food and working for long hours on the farm of the marabout; and the reported lack of political will to address the issue of child labour;

(b) The lack of effective implementation of the legislation relating to child labour;

(c) The lack of specific data on the incidence of child labour; and

(d) The lack of adequate monitoring and inspection to monitor respect for the legal provisions on child labour effectively.

77. **The Committee urges the State party to:**

(a) Generate the necessary political will to prevent and bring to an end all forms of child labour under the age of 16 in accordance with the legislation;

(b) Undertake research on the extent, nature, root causes and impact of child labour in the State party in order to develop effective preventive and remedial

strategies; pay particular attention to: (i) child labour on family farms, family-owned businesses and in the informal sector; (ii) cases of children undertaking petty trading or long hours of domestic work at home; and (iii) cases of almudos receiving inadequate food and working for long hours on the farm of the marabout;

(c) Collect reliable data in order to understand the dynamics of child labour and to address the root causes and the dangers of child labour throughout the country;

(d) Ensure that the legal provisions on child labour are effectively enforced, and that individuals who exploit children are duly sanctioned, and strengthen labour inspections to monitor respect for the legal provisions on child labour effectively;

(e) Ratify International Labour Organization (ILO) Convention No. 189 (2011) concerning decent work for domestic workers;

(f) Seek technical assistance from the ILO International Programme on the Elimination of Child Labour in this regard.

Children in street situations

78. The Committee notes with appreciation information received that the number of children forced to beg in the street has been significantly reduced. However, the Committee is concerned that, despite its previous recommendations, the State party failed to undertake a comprehensive study to assess the scope and the causes of the phenomenon of children in street situations, including almudos children, forced to beg or work in the street. The Committee is also concerned that the State party failed to develop a comprehensive strategy and programme to ensure that children in street situations are provided with adequate means of living to support their full development.

79. **The Committee recommends that the State party:**

(a) Undertake an in-depth study and statistical analysis of the causes and scope of the issue of children in street situations;

(b) Develop and implement a comprehensive policy to address the root causes of the phenomenon of children in street situations, in order to prevent and reduce it;

(c) Ensure that children in street situations are provided with adequate means of living in order to support their full development and their return and reconciliation with their families and community;

(d) Develop prevention programmes to ensure that children, including almudos children, are not forced to work or beg in the street, and involve Islamic religious education teachers or marabouts in the development of these programmes, when deemed relevant.

Sale, trafficking and abduction

80. The Committee welcomes the adoption of the Trafficking in Persons Act 2007 and the establishment of the National Agency Against Trafficking in Persons, the adoption of provisions in the Children's Act 2005 that prohibit child trafficking, and the efforts undertaken by the State party to prevent cases of forced begging and street vending by almudos children, encouraged by some marabouts. However, the Committee remains concerned that no alleged perpetrator of human trafficking has been prosecuted in the country. It is also concerned that the notion of child trafficking is poorly understood in the State party, especially in regard to the internal trafficking of children. It is further

concerned about the low number of professionals dealing with children victims of trafficking.

81. **The Committee recommends that the State party:**

(a) Ensure the effective implementation of the Trafficking in Persons Act 2007 and of the provisions of the Children's Act 2005 prohibiting trafficking in children;

(b) Prosecute and convict child traffickers and punish them with penalties commensurate with the gravity of the crime;

(c) Conduct nationwide awareness-raising programmes, including campaigns, among the population to improve its understanding of trafficking issues, with a focus on the issue of internal trafficking of children;

(d) Provide more training for personnel dealing with child trafficking in order to update their knowledge and skills, and establish and strengthen rehabilitation and reintegration programmes and facilities;

(e) Strengthen international cooperation with neighbouring and other countries to combat the illicit transfer and trafficking of children.

Administration of juvenile justice

82. The Committee welcomes the provisions of the Children's Act 2005 providing for the establishment of five children's courts throughout the country, alternative measures to detention, the raising of the age of criminal responsibility, and the abolition of the use of corporal punishment in the juvenile justice system. The Committee also welcomes the adoption of the Legal Aid Act 2008. However, it is concerned about:

(a) The establishment of only three equipped children's courts out of the five courts provided for in the Children's Act;

(b) The reported lack of effective implementation of alternative measures to detention provided for in the Children's Act;

(c) The lack of separate detention facilities for boys and girls and the lack, in most police stations, of separate pre-detention facilities for children and adults;

(d) The limited use of legal aid due to the insufficient human resources allocated to the National Agency for Legal Aid and the low level of awareness among the population of the existence of legal aid, especially in civil cases;

(e) The need for continuing and strengthening the training of the police, magistrates and social workers on the provisions of the Children's Act and on international standards regarding the administration of the juvenile justice system;

(f) The absence of specific legal provisions on the conditions of detention of children, especially regarding visitation rights;

(g) The limited measures taken for the post-release rehabilitation, reintegration and follow-up of children.

83. **In the light of its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system fully into line with the Convention and other relevant standards. In particular, the Committee recommends that the State party:**

(a) Expeditiously establish specialized juvenile court facilities in each of the five regions of the country, as provided for in the Children's Act 2005, and provide them with adequate human, technical and financial resources;

(b) Ensure that specialized judges receive appropriate education and training;

(c) Ensure the effective implementation of the legal provisions on alternative measures to detention; promote alternative measures such as possibilities for restorative justice, diversion, probation, mediation, counselling or community service, wherever possible; and ensure that detention is used as a last resort and for the shortest possible time and that it is reviewed on a regular basis with a view to withdrawing it;

(d) In cases where detention is unavoidable, ensure that children are not detained together with adults, and that girls are separated from boys;

(e) Strengthen the human resources of the National Agency for Legal Aid in order to provide prompt, qualified and independent legal aid to children in conflict with the law at an early stage of the procedure and throughout the legal proceedings, and raise awareness among the population of the existence of legal aid, including for civil cases;

(f) Continue and strengthen awareness-raising of magistrates, the police and social workers in order to strengthen their technical capacity and knowledge on: (i) juvenile justice systems and alternatives to detention; (ii) the provisions of the Children's Act; and (iii) international standards regarding the administration of juvenile justice;

(g) Ensure that children in detention maintain regular contact with their families;

(h) Strengthen the rehabilitation and reintegration programmes of the Juvenile Wing, and ensure that children are successfully reintegrated back into their communities after release;

(i) To that end, the Committee recommends that the State party make use of the technical assistance tools developed by the Interagency Panel on Juvenile Justice and its members, including the United Nations Office on Drugs and Crime (UNODC), UNICEF, OHCHR and NGOs, and seek technical assistance in the area of juvenile justice from members of the Panel.

J. Ratification of the Optional Protocol on a communications procedure

84. **The Committee welcomes the delegation's statement that the State party is working on ratifying the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. The Committee encourages the State party to ratify that Protocol, in order to further strengthen the fulfilment of children's rights.**

K. Ratification of international human rights instruments

85. **The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the core human rights instruments to which it is not yet a party, namely the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of**

Their Families, the Convention on the Rights of Persons with Disabilities, and the International Convention for the Protection of All Persons from Enforced Disappearance.

86. **The Committee welcomes the readiness of the State party to ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and encourages the State party to expedite its ratification.**

87. **The Committee urges the State party to fulfil its reporting obligations under the Optional Protocol on the sale of children, child prostitution and child pornography, the report on which has been overdue since 8 April 2012.**

L. Cooperation with regional bodies

88. **The Committee recommends that the State party cooperate with the African Committee of Experts on the Rights and Welfare of the Child of the African Union on the implementation of children's rights, both in the State party and in other African Union member States.**

IV. Implementation and reporting

A. Follow-up and dissemination

89. **The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined second and third periodic reports, the written replies of the State party to the list of issues, and the present concluding observations be made widely available in the languages of the country.**

B. Next report

90. **The Committee invites the State party to submit its combined fourth to seventh periodic reports by 6 March 2021 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2 and Corr.1) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.**

91. **The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents, approved at the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/GEN/2/Rev.6, chap. I), and in General Assembly resolution 68/268 (para. 16).**